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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/016,551

Applicant(s)

KVACHE ET AL.

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/12/2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-11,14-29 and 31-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-11,14-29 and 31-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 06/12/2007. Claims 1, 3-7, 9-11, 14-29 and 31-53 are pending. Claims 2, 8, 12, 13 and 30 have been previously cancelled. Claims 50-53 have been newly added.

Response to Arguments

2. Applicant's arguments filed on 06/12/2007 Remarks regarding claims 1, 3-7, 9-11, 14-19 and 42-47 have been fully considered but they are not persuasive because of the following:

Regarding claim 1, the applicant further argues on pages 19-22 that neither DAHLEN nor AKTAS et al. discloses or suggests converting message text, which has been obtained by translating a message from a source message format to the message text, and attachment text, which has been obtained by translating one or more message attachments from a source attachment format to the attachment text, to an audible message when the message should be delivered to the receiving party. Examiner respectfully disagrees with this argument. In col.7, lines 10-12, DAHLEN teaches message is converted from voice message [i.e., source format] to text [i.e., message text] and in col.9, lines 17-18, 26-45, DAHLEN teaches message is converted from text to speech [i.e., audible message] when the message needs to be delivered to a called party [i.e., receiving party]. The only missing element is the converting of translating one or more message attachments from a source attachment format to the attachment text, to an audible

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message which is taught by AKTAS (see page no.2, paragraphs 0028, 0030, page no.3, paragraph 0036).

Regarding claims 1, 42, the applicant argues on pages 22-27 that DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination, do not disclose or suggest initiating a telephony call to a receiving party at a pre-determined date or time based on delivery data specified by the receiving party. Examiner respectfully disagrees with this argument. The applicant did not claim a pre-determined date or time based on delivery data specified by the receiving party. In col.7, line 45- col.8, line 14, DAHLEN discloses that when the target time is reached a call to a called party is initiated and the target time is associated with the message text [i.e., delivery data]. Therefore, it is clear that DAHLEN teaches initiating a telephony call to a receiving party at a pre-determined date or time based on delivery data.

Thus, the rejection of the claims will remain. The rejection of the claims 19, 20, 37 and 48 will remain for the same reasons as discussed above with respect to claim 1.

Regarding claim 42, the applicant argues on page 26, that AKTAS et al. does not disclose or suggests interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, as required by claim 42. Examiner respectfully disagrees with this argument. In page 3, paragraph 0045, Aktas discloses that data [i.e., user profile] is transmitted based on a user defined data selection criteria such as time. In order to select a criteria the system must have an

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interaction with the user. Therefore, it is clear that Aktas teaches interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user. Thus, the rejection of the claim in view of DAHLEN and AKTAS will remain.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3-7, 9-11, 14-19, 37-41 and 48-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "the message" in line 6 is indefinite. There are two different "message". It is unclear which "message" is being referred to by the phrase. Since claims 3-7, 9-11, 14-18 and 50-53 are dependent upon claim 1, the claims are also rejected.

Claims 19, 37 and 48 is rejected for the same reasons as discussed above with respect to claim 1. Since claims 38-41 are dependent upon claim 37 and 49 is dependent upon claim 48, the claims are also rejected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 3-7, 9-11, 13, 19, 42, 45-47 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén (U.S. Patent No. 5,870,454) in view of Aktas et al. (U.S. Pub. No. 2003/0028604).

Regarding claim 1, with respect to Figures 1-4, Dahlén teaches a method for delivering a message to a receiving party, comprising:

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receiving a message and one or more message attachments intended for the receiving party, the message being received in a source message format and the one or more message attachments being received in a source attachment format (col.6, lines 5-24, 61-65);

translating the message from the source message format to message text (col.6, lines 5-32, col.7, lines 10-25);

converting the message text and the attachment text to a speech [i.e., audible] message when the message should be delivered to the receiving party (col.6, lines 5-24, col.7, lines 10-25, col.9, lines 17, 18, 26-45);

initiating a telephony call to the receiving party at a pre-determined date or time based on the delivery data (col.7, line 45- col.8, line 29, lines 42-53, col.9, lines 61-67, col.10, lines 11-48);

delivering the message audible message to the subscriber during the telephony call (col.8, lines 42-53, col.9, lines 61-67, col.10, lines 11-48); and

However, Dahlén does not specifically teach “generating a user profile for the receiving party that includes user-defined criteria and delivery data specified by the receiving party”. Aktas teaches generating a user profile for the receiving party that includes user-defined criteria and delivery data specified by the receiving party (page no.3, paragraphs 0036,0038,0039,0045). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to incorporate the feature of generating a user profile for the receiving party that includes user-defined criteria and delivery data specified by the receiving party as taught by Aktas. The motivation for the modification is to do so in order to deliver the message to the intended recipient after checking the subscriber’s specified pre-selected criteria.

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Dahlén further does not specifically teach translating the one or more message attachments from the source attachment format into attachment text. Aktas teaches translating the one or more message attachments from the source attachment format into attachment text (page no.2, paragraphs 0028,0030, page no.3, paragraph 0036). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to translate the one or more message attachments from the source attachment format into attachment text as taught by Aktas. The motivation for the modification is to do so in order to transmit a text attachment with a text message for a particular recipient.

Dahlén further does not specifically teach “determining whether the message should be delivered to the receiving party based on one or more of the user-defined criteria”. Aktas teaches determining a priority for the message for the user [i.e., whether the message should be delivered to the receiving party] based on one or more of the user-defined criteria (page no.3, paragraphs 0039,0045). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to allow determining whether the message should be delivered to the receiving party based on one or more of the user-defined criteria as taught by Aktas. The motivation for the modification is to do so in order to transmit the message to the intended recipient.

Regarding claims 3 and 45, Dahlén teaches the user profile data including data identifying at least one of a message type (col.3, lines 34-47, col.4, lines 17-25, col.7, lines 45-54, col.9, lines 61-67).

Regarding claim 4, Dahlén teaches testing the message against the user profile data (col.7, lines 45-54).

However, Dahlén does not specifically teach “determining that the message should be delivered when the message passes the test”. Aktas teaches determining that the message should be forwarded when the filtering criteria is met [i.e., the message passes the test] (page no.3, paragraph 0039). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to incorporate the feature of determining that the message should be delivered when the message passes the test as taught by Aktas. The motivation for the modification is to do so in order to deliver the message to the intended recipient after checking the subscriber’s preference.

Regarding claims 5-7, 46 and 47, Dahlén does not specifically teach monitoring a message server for arrival of new messages intended for the receiving party, wherein monitoring a message server includes periodically checking the message server for new messages and receiving a notification from the message server whenever a new message arrives. Aktas teaches monitoring a message server for arrival of new messages intended for the receiving party, wherein monitoring a message server includes periodically checking the message server for new messages and receiving a notification from the message server whenever a new message arrives (page no.3, paragraphs 0036,0038-0041,0045). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to incorporate monitoring a message server for arrival of new messages intended for the receiving party, wherein monitoring a message server includes periodically checking the message server for new

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messages and receiving a notification from the message server whenever a new message arrives as taught by Aktas. The motivation for the modification is to do so in order to deliver notification for an urgent message to an intended recipient.

Claim 9 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Dahlén teaches a text-to-speech translator (fig.1, item 80).

Regarding claim 10, Dahlén teaches creating an envelope from at least one of a From, To, Subject, or Date header field corresponding to the message (col.6, lines 51-60, col.7, line 45-47).

Regarding claim 11, Dahlén teaches translating the message text and the envelope into an audible message (col.6, lines 5-24, col.9, lines 17, 18, 26-45, col.10, lines 1-17).

Claim 19 is rejected for the same reasons as discussed above with respect to claims 1, 2 and 4.

Claim 42 is rejected for the same reasons as discussed above with respect to claims 1 and 5. Furthermore, Dahlén teaches prior to monitoring messages, interacting with a caller to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user (col.6, lines 51-65).

However, Dahlén does not specifically teach “interacting with a user to generate a user profile that identifies at least one message criterion”. Aktas teaches interacting with a user to

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generate a user profile that identifies at least one message criterion (page no.3, paragraphs 0036,0038,0039,0045). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to incorporate the feature of interacting with a user to generate a user profile that identifies at least one message criterion as taught by Aktas. The motivation for the modification is to do so in order to deliver the message to the intended recipient after checking the subscriber pre-selected criteria.

Regarding claim 50, Dahlén teaches that the delivery data specifies a minimum number of messages that are to be delivered to the receiving party before the initiating of the telephony call is performed (col.6, lines 51-65, col.7, line 45-54).

9. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Tullis et al. (U.S. Patent No. 5,802,314).

Regarding claim 14, Dahlén in view of Aktas fails to teach “generating a description of the one or more message attachments when the one or more message attachments are not convertible into text”. Tullis teaches generating a description of the one or more file attachments when the one or more file attachments are not convertible into the text (col.20, lines 30-45; ‘file attachments’ reads on the claim ‘message attachments’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to allow generating a description of the one or more message attachments when the one or

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more message attachments are not convertible into text as taught by Tullis. The motivation for the modification is to do so in order to deliver the description of unconvertible message.

Claim 15 is rejected for the same reasons as discussed above with respect to claim 13. Furthermore, Dahlén teaches translating the generated description into the audible format (col.10, lines 11-17).

10. Claims 16, 17 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Rodriguez et al. (U.S. Pub. No. 2002/0067806).

Regarding claim 16, Dahlén in view of Aktas fails to teach “determining whether the telephony call reaches the receiving party”. Rodriguez teaches determining whether the recipient is available (page no.2-3, paragraphs 0028-0029; ‘the recipient is available’ reads on the claim ‘telephony call reaches the receiving party’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to allow determining whether the telephony call reaches the receiving party as taught by Rodriguez. The motivation for the modification is to do so in order to provide the indication whether the recipient is available.

Dahlén in view of Aktas further fails to teach “retrying the telephony call a predetermined number of times if the telephony call fails to reach the receiving party”. Rodriguez teaches attempting to contact the recipient again if the recipient is unavailable for a period of time to elapse (page no.2-3, paragraph 0029; ‘attempting to contact the recipient again’

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reads on the claim 'retrying the telephony call a predetermined number of times' and 'the recipient is unavailable for a period of time to elapse' reads on the claim 'the telephony call fails to reach the receiving party'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to allow retrying the telephony call a predetermined number of times if the telephony call fails to reach the receiving party as taught by Rodriguez. The motivation for the modification is to do so in order to make several attempts to contact the subscriber.

Claim 17 is rejected for the same reasons as discussed above with respect to claim 16. Furthermore, Dahlén in view of Aktas fails to teach "initiating a second telephony call to an alternate telephone number if the telephony call fails to reach the receiving party". Rodriguez teaches attempting to contact the recipient again [i.e., initiating a second telephony call to an alternate telephone number] if the recipient is unavailable for a period of time to elapse [i.e., the telephony call fails to reach the receiving party] (abstract; page no.2-3, paragraph 0029). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to allow initiating a second telephony call to an alternate telephone number if the telephony call fails to reach the receiving party as taught by Rodriguez. The motivation for the modification is to do so in order to make alternate routing to contact the subscriber.

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Claim 52 is rejected for the same reasons as discussed above with respect to claim 17. Furthermore, Dahlén teaches calling a first telephone number specified in the delivery data (col.7, lines 45-54, 58-65).

11. Claims 18 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Fortman et al. (U.S. Patent No. 5,987,100).

Claim 18 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Dahlén teaches authenticating the calling party based on at least one of a user identifier, a personal identification number, or a password and delivering message to a called party (fig.2A, item 234; col.4, lines 26-39, col.5, lines 40-44, col.8, lines 42-53, col.9, lines 61-67, col.10, lines 11-48).

However, Dahlén in view of Aktas does not specifically teach authenticating the receiving party based on at least one of a user identifier, a personal identification number, or a password and transmitting the audible message to the receiving party after successful authentication of the receiving party. Fortman teaches checking [i.e., authenticating] the subscriber [i.e., receiving party] based on the identity [i.e., at least one of a user identifier, a personal identification number, or a password] and notifying [i.e., transmitting the audible message] the subscriber after successful authentication of the subscriber (col.8, lines 33-38). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to incorporate authenticating the receiving party based on at least one of a user identifier, a personal identification number, or a password as well as

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transmitting the audible message to the receiving party after successful authentication of the receiving party as taught by Fortman. The motivation for the modification is to do so in order to validate the identity of a particular user and deliver a particular message to the authenticated user.

Claim 43 is rejected for the same reasons as discussed above with respect to claim 18. Furthermore, Dahlén in view of Aktas does not specifically teach validating the user identification and password data with the message server. Fortman teaches checking [i.e., validating] the subscriber identity [i.e., user identification and password data] with the mailbox [i.e., message server] (col.8, lines 31-38). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to incorporate validating the user identification and password data with the message server as taught by Fortman. The motivation for the modification is to do so in order to authenticate the identity of a particular user to deliver a particular message from a message storage.

12. Claims 20-29, 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Thro et al. (U.S. Patent No. 6,147,977).

Claims 20 and 31 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Dahlén in view of Aktas does not specifically teach initiate a telephony call to the receiving party at a time specified by the receiving party. Thro teaches initiate a telephony call to the receiving party at a time specified by the receiving party (col.3, lines 1-6,

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52-59, col.5, lines 26-45, col.6, lines 1-15). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to initiate a telephony call to the receiving party at a time specified by the receiving party as taught by Thro. The motivation for the modification is to do so in order to screen the incoming calls based on called party's choice.

Regarding claims 21, Dahlén teaches that the target format is a text format (col.6, lines 5-32, col.7, lines 10-25).

Regarding claim 22, Dahlén teaches a service setup device configured to obtain user profile data that identifies at least one criterion indicating a time at which messages should be delivered to the receiving party (col.7, lines 45-54, col.9, lines 61-67).

Claims 23-29 are rejected for the same reasons as discussed above with respect to claims 3-7, 10 and 11 respectively.

Claim 34 is rejected for the same reasons as discussed above with respect to claims 16 and 17.

13. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Tullis et al. (U.S. Patent No. 5,802,314).

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Claims 32 and 33 are rejected for the same reasons as discussed above with respect to claims 14 and 15.

14. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén (in view of Aktas et al. further in view of Rodriguez et al. (U.S. Pub. No. 2002/0067806).

Claim 35 is rejected for the same reasons as discussed above with respect to claim 17.

15. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Fortman et al. (U.S. Patent No. 5,987,100).

Claim 36 is rejected for the same reasons as discussed above with respect to claim 18.

16. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Fortman et al. (U.S. Patent No. 5,987,100) further in view of Rodriguez et al. (U.S. Pub. No. 2002/0067806).

Regarding claim 44, Dahlén in view of Aktas further in view of Fortman does not specifically teach “determining whether the logon is successful”. Rodriguez teaches determining if the correct code is entered (page no.3, paragraph 0033; ‘if the correct code is entered’ reads on the claim ‘whether the logon is successful’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas further in

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view of Fortman to allow determining whether the logon is successful as taught by Rodriguez. The motivation for the modification is to do so in order to determine the subscriber of the mailbox.

Dahlén in view of Aktas further does not specifically teach attempting to logon to the message server using the user identification and password data. Fortman teaches attempting to logon to the mailbox using the subscriber identity (col.8, lines 31-38). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to incorporate attempting to logon to the message server using the user identification and password data as taught by Fortman. The motivation for the modification is to do so in order to retrieve a message from a secured message storage.

17. Claims 37-40, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Tullis et al. further in view of Thro et al. (U.S. Patent No. 6,147,977).

Regarding claim 37, with respect to Figures 1-4, Dahlén teaches a computer-readable medium that stores instructions executable by at least one computer to perform a method for presenting a message to a receiving party, comprising:

instructions for receiving [i.e., obtaining] a message intended for the receiving party, the message including one or more message attachments (col.6, lines 5-32, 61-65, col.7, lines 10-25);

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instructions for initiating a voice call to the receiving party at a predetermined date and time specified by the calling party (col.7, line 45- col.8, line 29, lines 42-53, col.9, lines 61-67, col.10, lines 11-48);

instructions for delivering [i.e., presenting] the message with the one or more attachments to the receiving party during the phone call] [i.e., voice call] (col.6, lines 5-24, col.8, lines 42-53, col.9, lines 17, 18, 26-45, 61-67, col.10, lines 11-48); and

However, Dahlén does not specifically teach “instructions for determining whether one or more message attachments are convertible into a target format”. Tullis teaches instructions for determining whether one or more file attachments are convertible into a text (col.20, lines 30-45; ‘file attachments’ reads on the claim ‘message attachments’ and ‘text’ reads on the claim ‘target format’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to incorporate instructions for determining whether one or more message attachments are convertible into a target format as taught by Tullis. The motivation for the modification is to do so in order to verify whether the message attachments are convertible.

Dahlén further fails to teach “instructions for generating a description of the one or more message attachments when the one or more message attachments are not convertible into the target format”. Tullis teaches instructions for generating a description of the one or more file attachments when the one or more file attachments are not convertible into the text (col.20, lines 30-45; ‘file attachments’ reads on the claim ‘message attachments’ and ‘text’ reads on the claim ‘target format’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to incorporate instructions for generating a description

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of the one or more message attachments when the one or more message attachments are not convertible into the target format as taught by Tullis. The motivation for the modification is to do so in order to deliver the description of unconvertible message.

Furthermore, Dahlén in view of Tullis does not specifically teach initiating a voice call to the receiving party at a predetermined date and time specified by the receiving party. Thro teaches initiating a voice call to the receiving party at a predetermined date and time specified by the receiving party (col.3, lines 1-6, 52-59, col.5, lines 26-45, col.6, lines 1-15). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Tullis to initiate a voice call to the receiving party at a predetermined date and time specified by the receiving party as taught by Thro. The motivation for the modification is to do so in order to screen the incoming calls based on called party's choice.

Regarding claim 38, Dahlén teaches calling the interacting with a message server to obtain the message (col.10, lines 19-48).

Claim 39 is rejected for the same reasons as discussed above with respect to claim 42.

Regarding claim 40, Dahlén teaches converting the message from a source format to an audible format (col.10, lines 1-17).

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Claim 48 is rejected for the same reasons as discussed above with respect to claim 37. Furthermore, Dahlén teaches the message including a message portion and one or more attachments in a source format (col.6, lines 5-32, col.10, lines 1-17).

Regarding claim 49, Dahlén teaches that the telephony device includes one of a wireline and wireless communication device (fig.1).

18. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Tullis et al. further in view of Thro et al. further in view of Aktas et al. (U.S. Pub. No. 2003/0028604).

Claim 41 is rejected for the same reasons as discussed above with respect to claim 1.

19. Claims 51 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Rodriguez et al. further in view of Arumainayagam et al. (U.S. Patent No. 5,659,599).

Claim 51 is rejected for the same reasons as discussed above with respect to claim 16. Furthermore, Dahlén in view of Aktas further in view of Rodriguez fails to teach “maximum number of retries specified by the delivery data”. Arumainayagam teaches that maximum number of retries specified by the delivery data (col.10, lines 37-44). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in

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view of Aktas further in view of Rodriguez to incorporate maximum number of retries specified by the delivery data in Dahlén's invention in view of Aktas further in view of Rodriguez as taught by Arumainayagam. The motivation for the modification is to do so in order to provide the indication of delivery attempt such that the system can try to reach a called party's device in a specified number of times of re-attempts and thereby reduce the time for the certain re-attempts instead of trying again and again until the recipient answers the call.

Claim 52 is rejected for the same reasons as discussed above with respect to claim 16. Furthermore, Furthermore, Dahlén in view of Aktas further fails to teach "retrying, after an interval lapses since the failing to establish the telephony call, to initiate the telephony call". Rodriguez teaches retrying, after an interval lapses since the failing to establish the telephony call, to initiate the telephony call (page no.2-3, paragraph 0029). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to allow retrying, after an interval lapses since the failing to establish the telephony call, to initiate the telephony call as taught by Rodriguez. The motivation for the modification is to do so in order to provide particular time interval such that the system can make several attempts to contact the subscriber within a particular time period.

Dahlén in view of Aktas further in view of Rodriguez fails to teach "interval is specified by the delivery data". Arumainayagam teaches that interval is specified by the delivery data (col.10, lines 37-44). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas further in view of Rodriguez to incorporate an interval specified by the delivery data in Dahlén's invention in view of Aktas

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further in view of Rodriguez as taught by Arumainayagam. The motivation for the modification is to do so in order to provide the interval of delivery attempt such that the system can try to reach a called party's device in a specified interval of re-attempts based on particular delivery information.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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MD SHAFIUL ALAM ELAHEE

Examiner

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August 19, 2007